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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,510	12/20/2001	Dany D. Sylvain	7000-089	4477
27820	7590	09/19/2005	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C.			TRAN, PHUC H	
P.O. BOX 1287			ART UNIT	
CARY, NC 27512			PAPER NUMBER	

2666

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/028,510

Applicant(s)

SYLVAIN, DANY D.

Examiner

PHUC H. TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/15/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6, 9-15, 18-24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonnby et al. (U.S. Patent No. 6295293 B1).

\* Note: The claim limitations that employ phrases of the type “adapted to”; “capable for” are typical of claim limitations, which may not distinguish over the prior art. The limitations after the “adapted to” or “capable for” performing a function is not a (consider) positive limitation but only requires the ability to so perform.

- With respect to claims 1, 10, and 19, Tonnby teaches a system (e.g. the system in Fig. 4) comprising: a) an interface adapted to facilitate media communications (e.g. interface in Fig. 4); and

b) a control system associated with the interface and providing a combined user agent, which is adapted to represent a telephone and a computing device as a single multimedia device capable of supporting voice and media sessions (e.g. block 24 in Fig. 4);

communicate with a circuit-switched telephony switch to establish a connection with the telephone through the circuit-switched telephony switch to facilitate a voice session with another voice-capable device (e.g. the telephone and PSTN in Fig. 4); and

communicate with the computing device to establish a media session between the computing device and another media-capable device (e.g. the computer and Internet in Fig. 4),

wherein the combined user agent appears to network devices as a multimedia client supporting voice and media sessions and interacts with the circuit-switched telephony switch as well as the computing device to facilitate the voice and media sessions (e.g. block 24, 28, support voice and data).

- With respect to claims 2, 11, and 20, Tonnby also teaches wherein the combined user agent is further adapted to associate the connection and media session with one another (e.g. Fig. 4).

- With respect to claims 3, 12, and 21, Tonnby further teaches wherein the combined user agent is further adapted to provide information associated with the connection to the computing device for use in an application associated with the media session.

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- With respect to claims 4, 13, and 22, Tonnby teaches wherein the combined user agent is further adapted to communicate with the circuit-switched telephony switch using call signaling messages required to establish and control the connection between the telephone and the voice-capable device (col. 7, lines 32-33).

- With respect to claims 5, 14, and 23, Tonnby discloses wherein the combined user agent is further adapted to communicate with the circuit-switched telephony switch using a first protocol (col. 4, lines 58-60).

- With respect to claims 6, 15, and 24, Tonnby teaches wherein the combined user agent is further adapted to communicate with the computing device with signaling messages required to establish and control a media session between the computing device and the media-capable device using a second protocol (col. 4, lines 61-62).

- With respect to claims 9, 18, and 27, Tonnby teaches wherein the media session established between the computing device and another media capable device is at least one of the group consisting of video session, screen sharing session, audio streaming, video streaming, information streaming, voicemail, email, gaming, advertising, and instant messaging session (col. 1, lines 5-14).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8, 16-17, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby et al. (U.S. Patent No. 6295293 B1) in view of Schuster et al. (U.S. Patent No. 6822957 B1).

- With respect to claim 7-8, 16-17, and 25-26, Tonnby discloses all the aspect of the claimed invention as set forth above but fails to teach wherein the combined user agent is further adapted to use the session initiation protocol, SIP, when representing the multimedia device to other SIP devices. Schuster teaches SIP for signaling. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the session initiation protocol for setup communication in the network.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ranalli et al. (U.S. Patent No. 6539077 B1) discloses method and apparatus for correlating a unique identifier, such as a PSTN telephone number, to an internet address to enable communications over the internet.

- Kelly (U.S. Patent No. 6594254 B1) discloses domain name server architecture for translating telephone number domain names into network protocol addresses.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran  
Assistant Examiner  
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P.t  
9/14/05

  
DANG TON  
PATENT EXAMINER